

1 **WO**

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Excel Fortress Limited, et al.,

10 Plaintiffs,

11 v.

12 Vaughn La Verl Wilhelm, et al.,

13 Defendants.  
14

No. CV-17-04297-PHX-DWL

**ORDER**

15 Pending before the Court is Plaintiff's unopposed motion to file certain documents  
16 under seal (Doc. 183). The public has a general right to inspect judicial records and  
17 documents, such that a party seeking to seal a judicial record must overcome "a strong  
18 presumption in favor of access." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172,  
19 1178 (9th Cir. 2006). To do so, the party must "articulate compelling reasons supported  
20 by specific factual findings that outweigh the general history of access and the  
21 public policies favoring disclosure . . . ." *Id.* at 1178-79 (internal quotation marks and  
22 citations omitted). The Court must then "conscientiously balance the competing interests  
23 of the public and the party who seeks to keep certain judicial records secret." *Id.* at 1179  
24 (internal quotation marks omitted). "After considering these interests, if the court decides  
25 to seal certain judicial records, it must base its decision on a compelling reason and  
26 articulate the factual basis for its ruling, without relying on hypothesis or conjecture." *Id.*  
27 (internal quotation marks omitted).

28 The "stringent" compelling reasons standard applies to all filed motions and their


1 attachments where the motion is “more than tangentially related to the merits of a case.”  
2 *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096, 1101 (9th Cir. 2016). A  
3 motion for full or partial summary judgment is clearly such a motion.

4 The documents contain trade secrets, and keeping these trade secrets confidential  
5 is a compelling reason that outweighs the general public right of access. *Kamakana*, 447  
6 F.3d at 1179.

7 Accordingly,

8 **IT IS ORDERED** that Plaintiff’s unopposed motion to file under seal (Doc. 183)  
9 is **GRANTED**. The Clerk of Court shall seal Exhibits 2, 3 and 4 to Exhibit A, the  
10 Declaration of D. Elroy Fimrite, to Plaintiff EFG America, LLC’s Response to  
11 Defendant’s Statement of Undisputed Material Facts and Statement of Additional  
12 Material Facts That Preclude Summary Judgment.

13 Dated this 13th day of September, 2019.

14  
15  
16   
17 \_\_\_\_\_  
18 Dominic W. Lanza  
19 United States District Judge  
20  
21  
22  
23  
24  
25  
26  
27  
28